



Page 1

Attorney's Docket No. NOCODE2.005CP1

## DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled WIRELESS INTERACTIVE HEADSET; the specification of which was filed on July 28, 2003 as Application Serial No. 10/628,831.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/399,317  
Application No.: 60/460,154

Filing Date: July 26, 2002  
Filing Date: April 3, 2003

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

### Prior U.S.A. Application(s)

Application No.: 09/585,593  
Application No.: 10/004,543

Filing Date: June 2, 2000  
Filing Date: December 4, 2001

Status: Issued  
Status: Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: James Jannard

Inventor's signature 

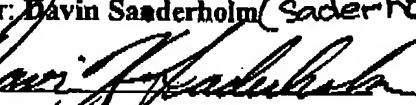
Date 4-5-04

Residence: Box 1389, Spieden Island, Eastsound, WA 98245

Citizenship: U.S.A.

Post Office Address: Same as above

Full name of second inventor: Davin Sanderholm (Saderholm)

Inventor's signature 

Date 04/15/04

Residence: 6 Destino Way, Mission Viejo, CA 92692

Citizenship: U.S.A.

Post Office Address: Same as above

Full name of third inventor: Carlos Reyes

Inventor's signature 

Date 04/05/04

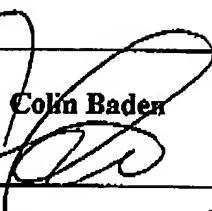
Residence: 7 Via Silla, Rancho Santa Margarita, CA 92688

Citizenship: U.S.A.

Post Office Address: Same as above

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Full name of fourth inventor: Colin Baden

Inventor's signature 

Date 4.21.04

Residence: 5 Redonda, Irvine, CA 92620

Citizenship: U.S.A.

Post Office Address: Same as above

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Full name of fifth inventor: Summer Lane Bruns

Inventor's signature 

Date 04/02/04

Residence: 121 Granville Ave., Annapolis, MD 21401

Citizenship: U.S.A.

Post Office Address: Same as above

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Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995



NOCODE2.005CP1

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant :	James Jannard et al.	)
App. No. :	10/628,831	)
Filed :	July 28, 2003	)
For :	WIRELESS INTERACTIVE HEADSET	)
Examiner :	Unknown	)

**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected

App. No. : 10/628,831  
Filed : July 28, 2003

herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

Oakley, Inc.

Dated: 4 - 6 - 04

By: L. Newcomb  
Link Newcomb

Title: Chief Operating Officer

Address: One Icon  
Foothill Ranch, CA 92610

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031904

ASSIGNMENT

WHEREAS, We, James Jannard, a U.S. citizen, residing at Box 1389, Spieden Island, Eastsound, WA 98245, Davin Sanderholm, a U.S. citizen, residing at 6 Destino Way, Mission Viejo, CA 92692, Carlos Reyes, a U.S. citizen, residing at 7 Via Silla, Rancho Santa Margarita, CA 92688, Colin Baden, a U.S. citizen, residing at 5 Redonda, Irvine, CA 92620, Sumner Lane Bruns, a U.S. citizen, residing at 121 Granville Ave., Annapolis, MD 21401, have invented certain new and useful improvements in a WIRELESS INTERACTIVE HEADSET for which we have filed an application for Letters Patent in the United States, Application No. 10/628,831, Filed on July 28, 2003;

AND WHEREAS, Oakley, Inc. (hereinafter "ASSIGNEE"), a Washington Corporation, with its principal place of business at One Icon, Foothill Ranch, CA 92610, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

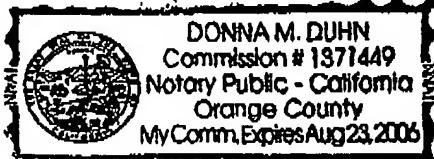
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of April, 2004

STATE OF California }  
COUNTY OF Orange } ss.  
                        |

On 4-5-04, before me, Donna M. Duhn, personally appeared James Jannard personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

Application No.: 10/628,831  
Filing Date: July 28, 2003

PATENT  
Client Code: NOCODE2.00SCP1  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15<sup>th</sup> day of April, 2004.

Davin Saederholm

STATE OF California }  
COUNTY OF Orange } ss.

On April 15, 2004, before me, Donna M. Duhn, personally appeared Davin Saederholm personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

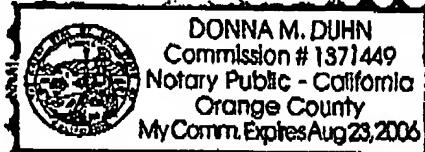
Carlos Reyes

STATE OF California }  
COUNTY OF Orange } ss.

On April 15, 2004, before me, Donna M. Duhn, personally appeared Carlos Reyes personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

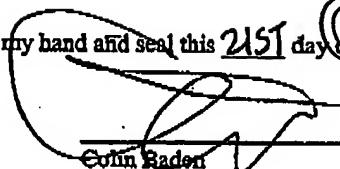


Notary Signature

Application No.: 10/628,831  
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PATENT  
Client Code: NOCODE2.005CP1  
Page 3

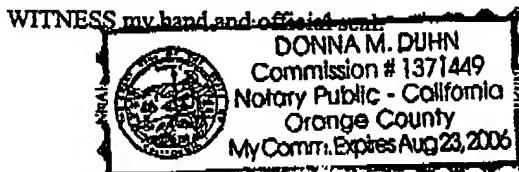
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25<sup>th</sup> day of APRIL, 2004

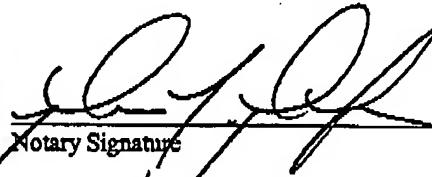
  
Colin Baden

STATE OF California }  
COUNTY OF Orange } ss.

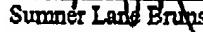
On 4.21.04, before me, Donna M. Duhn, personally appeared Colin Baden personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[SEAL]



  
Notary Signature

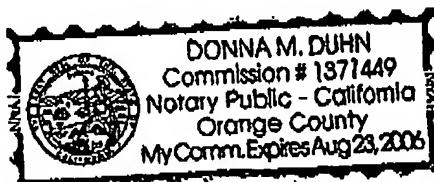
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 02<sup>nd</sup> day of 04, 2004

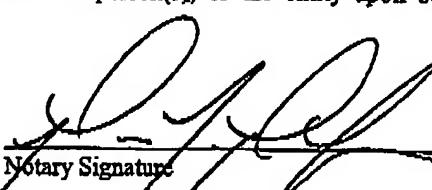
  
Summer Lane Bruns

STATE OF California }  
COUNTY OF Orange } ss.

On April 12, 2004 before me, Donna M. Duhn, personally appeared Summer Lane Bruns personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[SEAL]



  
Notary Signature